

## REMARKS

As a preliminary matter, Applicants thank the Examiner for the acknowledgement of allowable subject matter in claims 14-16.

Claims 14-16 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner finds it “ambiguous whether it is each retarder which has zero negative birefringence.” In fact, Applicants respectfully point out that independent claims 14 actually recites that it is the retardation plates, that have a negative retardation of approximately zero, and not any “retarder” having a “zero negative birefringence.” Applicants presume the Examiner meant to refer to the claim terms noted above, and respond accordingly.

Specifically, Applicants have amended independent claim 14 to more clearly recite that it is each of the retardation plates that has a negative retardation of approximately zero, which appears to be the assumption made by the Examiner in his remarks. Support for this amendment can be clearly found at the paragraph in the present Specification beginning on line 25, page 50, for example. Applicants submit that this amendment fully overcomes the outstanding Section 112 rejection, and therefore places claim 14 (and its dependent claims 15-16) in condition for allowance, as indicated by the Examiner on page 8 of the outstanding Office Action.

Claim 1-5 and 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Clerc (U.S. 4,701,028) in view of Clerc (“Vertically Aligned Liquid Crystal Displays”). Applicants respectfully traverse this rejection because neither of the cited references,

whether taken alone or in combination, discloses or suggests first and second polarizers have axes arranged at an angle of  $90^\circ$  with respect to each other, as in independent claims 1 and 6-7 of the present invention, as amended.

The '028 Clerc patent ("Clerc I") specifically teaches that the linear polarizers 21, 22 are "disposed in such a way that their respective maximum absorption axes  $P_1$  and  $P_2$  are parallel to one another." (Col. 5, lines 12-14, emphasis added). The Digest publication Clerc reference ("Clerc II") is silent regarding alignment axes of linear polarizers with respect to one another. Clerc II teaches the existence of "linear polarizers," but provides no other details as to their use. (Page 759, left col., third to last paragraph). Accordingly, because Clerc II teaches nothing on the issue, and because Clerc I specifically teaches away from these amended features of the present invention, Applicants submit that the section 103 rejection of independent claims 1 and 7 (as well associated dependent claims) has been overcome.

Applicants further traverse the rejection because, according to the Examiner's stated rationale, the two references should not be combined. Specifically, the Examiner asserts that Clerc I teaches a retardation of substantially  $\frac{1}{4}$  at col. 6, lines 44-55, where Clerc describes "an optical path delay of approximately 150 nm under zero incidence." The Examiner's rationale is then that 150 nm is one quarter the wavelength of the visible light spectrum. According to this rationale, however, Clerc II cannot be combined with Clerc I.

Clerc II specifically teaches, at page 759, third paragraph from last on the left column, that the only retardation values considered for its retardation films are 20nm, 40nm,

60nm, and 120nm. All of these values are significantly different from the 150nm taught as the only value in Clerc I. And because Clerc II further teaches (in the following paragraph) away from higher values of retardation for the films, Clerc II thus teaches away from a combination with Clerc I. Accordingly, because Clerc I and Clerc II teach different values for the same respective elements, and because Clerc II specifically teaches away from a motivation to combine it with Clerc I, the Section 103 rejection based on a combination of Clerc I and Clerc II is further respectfully traversed because the proposed combination could not be obvious from these two references.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Clerc I in view of Clerc II, and further in view of Koma (JP 07-311383). Applicants respectfully traverse this rejection for at least the reasons discussed above with respect to independent claims 1 and 7 based on Clerc I and Clerc II only. Claim 6 has been amended similarly to claims 1 and 7, namely, to further recite that the first and second linear polarizers have polarizing axes arranged at an angle of 90° with respect to each other. Koma is cited merely for teaching linear conductive structures, and not for being able to resolve any of the conflicts between the Clerc I and Clerc II references discussed above. Accordingly, Applicants submit that claim 6 should be in condition for allowance for reasons similar to any of those discussed above with respect to claims 1 and 7.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Clerc I in view of Clerc II, and further in view of Harris et al. (U.S. 5,344,916) and Arakawa et al. (U.S. 5,189,538). Applicants respectfully traverse this rejection for at least the reasons

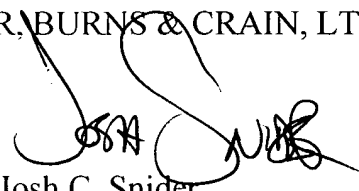
discussed above. Claim 9 depends from independent claim 7, and therefore includes all of the features of the base claim, plus additional features. Accordingly, Applicants submit that claim 9 should be in condition for allowance for at least the reasons discussed above with respect to independent claim 7.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1, 3-9, and 14-16, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Josh C. Snider

Registration No. 47,954

**Customer No. 24978**

June 30, 2005

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

P:\DOCS\2803\66230\995215.DOC